

**2011 DRAFTING REQUEST**

**Bill**

Received: **02/02/2011**

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **mgallagh**

Subject: **Occupational Reg. - prof lic**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **michael.gallagher@legis.wisconsin.gov**

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**Pre Topic:**

DOA:.....Dombrowski, BB0298 -

---

**Topic:**

Delete current real estate board and create real estate examining board

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh 02/10/2011	kfollett 02/10/2011	rschluet 02/10/2011	_____	lparisi 02/10/2011		
	mgallagh 02/14/2011	kfollett 02/15/2011		_____			
/P2	mgallagh 02/15/2011	kfollett 02/15/2011	mduchek 02/15/2011	_____	mbarman 02/15/2011		
/P3	mgallagh 02/18/2011	nnatzke 02/18/2011	mduchek 02/15/2011	_____	cduerst 02/15/2011		

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/P4		csicilia 03/01/2011	rschluet 02/18/2011	_____	mbarman 02/18/2011		
/P5			jfrantze 03/01/2011	_____	cduerst 03/01/2011		

FE Sent For:

&lt;END&gt;

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/P4

rschluet \_\_\_\_\_  
02/18/2011 \_\_\_\_\_

mbarman  
02/18/2011

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2/15  
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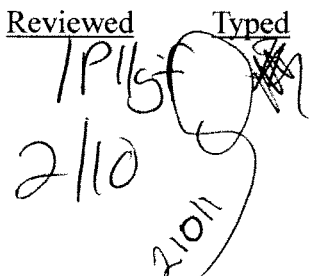

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/P1	mgallagh	1/11/11 2/10					
FE Sent For:							
<END>							

**Gallagher, Michael**

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**From:** Sundberg, Christopher  
**Sent:** Tuesday, February 01, 2011 4:42 PM  
**To:** Gallagher, Michael  
**Subject:** FW: Statutory Language Drafting Request  
Can you take this budget draft?

---

**From:** Hanaman, Cathlene  
**Sent:** Tuesday, February 01, 2011 4:39 PM  
**To:** Sundberg, Christopher; Kunkel, Mark  
**Subject:** FW: Statutory Language Drafting Request

---

**From:** DOADLBASADMININTERNETSHAREPOINT@WI.GOV  
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]  
**Sent:** Tuesday, February 01, 2011 4:24 PM  
**To:** Hanaman, Cathlene  
**Cc:** Hetzel, Shayna - DOA; Thornton, Scott - DOA; Gauger, Michelle C - DOA; Dombrowski, Cynthia A - DOA  
**Subject:** Statutory Language Drafting Request

Topic: Real Estate Examining Board

Tracking Code: BB0298

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA  
Phone: (608) 266-2214  
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: DRL

Agency Number: 165

Priority: High

Intent:  
Delete the Real Estate Board and create a Real Estate Examining Board. The board shall consist of 7 members, 5 who are licensed to practice real estate in this state and 2 public members. Members shall be appointed by the Governor to staggered 4-year terms.

Under Ch 452, the duties of the department should now be the duties of the board.

---

Attachments: False

2/1/2011

## Gallagher, Michael

---

**From:** Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]  
**Sent:** Wednesday, February 09, 2011 4:05 PM  
**To:** Gallagher, Michael  
**Subject:** RE: BB0298

Please leave that with DRL.

Thanks,  
Cindy

---

**From:** Gallagher, Michael [mailto:Michael.Gallagher@legis.wisconsin.gov]  
**Sent:** Wednesday, February 09, 2011 2:33 PM  
**To:** Dombrowski, Cynthia A - DOA  
**Subject:** RE: BB0298

Cindy, another question:

Section 452.13 of the statutes establishes rules for broker trust accounts. There are registration and reporting requirements with DRL. There is also interaction with Commerce.

Do you want me to leave DRL in charge of trust accounts, or do you want me to transfer that aspect to the examining board as well?

Thanks.

Mike

---

**From:** Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]  
**Sent:** Tuesday, February 08, 2011 5:00 PM  
**To:** Gallagher, Michael  
**Subject:** RE: BB0298

No new positions and no position transfer. DRL will continue to support the board as it does for other examining boards that don't have dedicated support.

Thanks for checking on this though ☺

Cindy

---

**From:** Gallagher, Michael [mailto:Michael.Gallagher@legis.wisconsin.gov]  
**Sent:** Tuesday, February 08, 2011 4:56 PM  
**To:** Dombrowski, Cynthia A - DOA  
**Subject:** BB0298

Cindy,

I am working on the referenced draft, which is LRB-1272, regarding changes to the real estate board.

Part of the request includes transferring the DRL's current duties to the board.

Do you also want to include a nonstat to either transfer existing positions from DRL to the board, or authorize new positions for the board?

Thanks.

**Michael P. Gallagher**  
Legislative Attorney  
Legislative Reference Bureau  
(608) 267-7511  
[michael.gallagher@legis.wisconsin.gov](mailto:michael.gallagher@legis.wisconsin.gov)

## Gallagher, Michael

---

**From:** Gallagher, Michael  
**Sent:** Wednesday, February 09, 2011 5:28 PM  
**To:** Dombrowski, Cynthia A - DOA  
**Subject:** RE: BB0298

This should be my last question on this draft.

Under current law, under s. 15.07 (3) (b), the secretary of regulation and licensing can call a meeting of the real estate board, along with the auctioneer board, cemetery board, and real estate appraisers board. However, that section will no longer apply to the real estate examining board, and s. 15.08 (3), which will apply, does not include any examining boards that can be called to a meeting by the secretary of regulation and licensing. Do you want me to include a provision in s. 15.08 (3) that will give the secretary authority to call a meeting of the real estate examining board?

Thanks.

Mike

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**Sent:** Wednesday, February 09, 2011 4:05 PM  
**To:** Gallagher, Michael  
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**Subject:** BB0298

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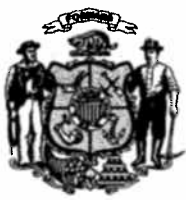
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IN: 2/10/2011  
**State of Wisconsin**  
**2011 - 2012 LEGISLATURE**



LRB-1272/P1

MPG:...

kyf

DOA:.....Dombrowski, BB0298 - Delete current real estate board and create  
real estate examining board

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

see aff'd ✓

Don't Gen

1

**AN ACT ...; relating to: the budget**

***Analysis by the Legislative Reference Bureau***

**OCCUPATIONAL REGULATION**

Under current law, DRL directly administers the regulation of real estate practice in Wisconsin. DRL's duties and powers include issuing licenses to real estate brokers and sales persons; issuing registrations to time-share salespersons; approving forms for use in real estate practice, including an offer to purchase; promulgating rules regulating real estate practice; developing and grading real estate examinations; approving continuing education courses; preparing written materials and conducting clinics to disseminate information to licensees; entering into reciprocity agreements with other states; and, if DRL receives credible evidence that a real estate broker or salesperson or a time-share salesperson has violated real estate law, conducting investigations, holding hearings, and making findings regarding that violation.

There is a real estate board (board) under current law. The board conducts disciplinary proceedings, and the board has the power to apply appropriate discipline. The board also reviews and comments on administrative rules relating to real estate practice that DRL proposes; may participate in public hearings regarding proposed rules; may review proposed legislation regarding real estate practice; and advises the secretary of DRL regarding real estate practice.

This bill renames the board the real estate examining board. The bill transfers most of DRL's duties and powers regulating real estate practice to the real estate

X examining board, including rules promulgation and approval of the forms used in real estate practice.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

X  
1       **SECTION 1.** 15.07 (1) (b) 8. of the statutes is repealed.

2       **SECTION 2.** 15.07 (1) (cm) of the statutes is amended to read:

3       15.07 (1) (cm) The term of one member of the government accountability board  
4 shall expire on each May 1. The terms of 3 members of the economic policy board  
5 appointed under s. 15.155 (2) (a) 4. shall expire on May 1 of every even-numbered  
6 year and the terms of the other 3 members appointed under s. 15.155 (2) (a) 4. shall  
7 expire on May 1 of every odd-numbered year. The terms of the 3 members of the land  
8 and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on  
9 January 1. The term of the member of the land and water conservation board  
10 appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered  
11 year. The terms of members of the real estate board shall expire on July 1. The terms  
12 of the appraiser members of the real estate appraisers board and the terms of the  
13 auctioneer and auction company representative members of the auctioneer board  
14 shall expire on May 1 in an even-numbered year. The terms of the members of the  
15 cemetery board shall expire on July 1 in an even-numbered year. The term of the  
16 student member of the Board of Regents of the University of Wisconsin System who  
17 is at least 24 years old shall expire on May 1 of every even-numbered year.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27 ss. 43 to 48m, 9456 (3m); 1999 a. 9, 44, 181, 197; 2001 a. 16; 2003 a. 33 ss. 79 to 85, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 41g to 45m, 2493; 2005 a. 76, 228, 253; 2007 a. 1, 20, 97, 109; 2009 a. 28.

18       **SECTION 3.** 15.07 (1) (cs) of the statutes is amended to read:



1           15.07 (1) (cs) No member of the auctioneer board, cemetery board, or real estate  
2           appraisers board, ~~or real estate board~~ may be an officer, director, or employee of a  
3           private organization that promotes or furthers any profession or occupation  
4           regulated by that board.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27 ss. 43 to 48m, 9456 (3m); 1999 a. 9, 44, 181, 197; 2001 a. 16; 2003 a. 33 ss. 79 to 85, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 41g to 45m, 2493; 2005 a. 76, 228, 253; 2007 a. 1, 20, 97, 109; 2009 a. 28.

5           **SECTION 4.** 15.07 (3) (b) of the statutes is amended to read:

6           15.07 (3) (b) Except as provided in par. (bm), each board not covered under par.  
7           (a) shall meet annually, and may meet at other times on the call of the chairperson  
8           or a majority of its members. The auctioneer board, the cemetery board, the real  
9           estate board, and the real estate appraisers board shall also meet on the call of the  
10          secretary of regulation and licensing or his or her designee within the department.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27 ss. 43 to 48m, 9456 (3m); 1999 a. 9, 44, 181, 197; 2001 a. 16; 2003 a. 33 ss. 79 to 85, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 41g to 45m, 2493; 2005 a. 76, 228, 253; 2007 a. 1, 20, 97, 109; 2009 a. 28.

11          **SECTION 5.** 15.07 (5) (r) of the statutes is repealed.

12          **SECTION 6.** 15.405 (11) of the statutes is amended to read:

13          15.405 (11) REAL ESTATE EXAMINING BOARD. There is created a real estate  
14          examining board in the department of regulation and licensing. The real estate  
15          examining board shall consist of 7 members appointed to staggered 4-year terms.  
16          ~~Four~~ Five of the members shall be real estate brokers or salespersons licensed in this  
17          state. ~~Three~~ Two members shall be public members. ~~Section 15.08 (1m) (am) applies~~  
18          ~~to the public members of the real estate board.~~ No member may serve more than 2  
19          terms. ~~The real estate board does not have rule-making authority.~~

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80; 2003 a. 111, 270; 2005 a. 25, 314; 2007 a. 20 s. 9121 (6) (a); 2009 a. 106; 2009 a. 149 s. 3.

20          **SECTION 7.** 15.407 (5) of the statutes is amended to read:

1           15.407 (5) COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS. There is  
2           created in the department of regulation and licensing a council on real estate  
3           curriculum and examinations consisting of 7 members appointed for 4-year terms.  
4           Five members shall be real estate brokers or salespersons licensed under ch. 452 and  
5           2 members shall be public members. Of the real estate broker or salesperson  
6           members, one member shall be a member of the real estate examining board  
7           appointed by the real estate examining board, at least 2 members shall be licensed  
8           real estate brokers with at least 5 years of experience as real estate brokers, and at  
9           least one member shall be a licensed real estate salesperson with at least 2 years of  
10          experience as a real estate salesperson. Of the 2 public members, at least one  
11          member shall have at least 2 years of experience in planning or presenting real estate  
12          educational programs. No member of the council may serve more than 2 consecutive  
13          terms.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 s. 727m; 1999 a. 32, 180, 186; 2001 a. 74, 89; 2005 a. 31; 2009 a. 355, 356, 360.

14           **SECTION 8.** 440.03 (1) of the statutes is amended to read:

15           440.03 (1) The department may promulgate rules defining uniform procedures  
16           to be used by the department, the real estate examining board, the real estate  
17           appraisers board, and all examining boards and affiliated credentialing boards  
18           attached to the department or an examining board, for receiving, filing and  
19           investigating complaints, for commencing disciplinary proceedings and for  
20           conducting hearings.

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25; 2007 a. 20 ss. 3449 to 3462, 9121 (6) (a); 2007 a. 153, 189; 2009 a. 28, 130, 276, 282, 355.

21           **SECTION 9.** 440.03 (11m) (b) of the statutes is amended to read:

22           440.03 (11m) (b) The ~~department~~ real estate examining board shall deny an  
23           application for an initial credential or deny an application for credential renewal or

1 for reinstatement of an inactive license under s. 452.12 (6) (e) if any information  
2 required under par. (a) is not included in the application form or, in the case of an  
3 applicant who is an individual and who does not have a social security number, if the  
4 statement required under par. (am) is not included with the application form.

**History:** 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25; 2007 a. 20 ss. 3449 to 3462, 9121 (6) (a); 2007 a. 153, 189; 2009 a. 28, 130, 276, 282, 355.

5 **SECTION 10.** 440.13 (2) (a) of the statutes is amended to read:

6 440.13 (2) (a) With respect to a credential granted by the department, the  
7 department shall restrict, limit, or suspend a credential or deny an application for  
8 an initial credential ~~or for reinstatement of an inactive license under s. 452.12 (6) (e)~~  
9 if the credential holder or applicant is delinquent in paying support or fails to comply,  
10 after appropriate notice, with a subpoena or warrant issued by the department of  
11 children and families or a county child support agency under s. 59.53 (5) and related  
12 to support or paternity proceedings.

**History:** 1997 a. 191, 237; 2007 a. 20.

13 **SECTION 11.** 440.13 (2) (c) of the statutes is amended to read:

14 440.13 (2) (c) With respect to a credential granted by a credentialing board, a  
15 credentialing board shall restrict, limit or suspend a credential held by a person or  
16 deny an application for an initial credential or for reinstatement of an inactive  
17 license under s. 452.12 (6) (e) when directed to do so by the department.

**History:** 1997 a. 191, 237; 2007 a. 20.

18 **SECTION 12.** 452.01 (1s) of the statutes is amended to read:

19 452.01 (1s) "Board" means real estate examining board.

**History:** 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 359, 399; 1987 a. 403 s. 256; 1989 a. 341; 1991 a. 221; 1993 a. 127; 1995 a. 27, 400; 1997 a. 263; 2001 a. 102; 2005 a. 87; 2009 a. 2.

20 **SECTION 13.** 452.025 (1) (a) of the statutes is amended to read:

21 452.025 (1) (a) A person desiring to act as a time-share salesperson shall  
22 submit to the ~~department~~ board an application for a certificate of registration.

**History:** 1987 a. 399; 1989 a. 31; 1991 a. 39; 2007 a. 20.

1           **SECTION 14.** 452.025 (1) (b) (intro.) of the statutes is amended to read:

2           452.025 (1) (b) The application for registration as a time-share salesperson  
3           shall be in the form prescribed by the ~~department~~ board and shall include all of the  
4           following:

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 2007 a. 20.

5           **SECTION 15.** 452.025 (1) (b) 4. of the statutes is amended to read:

6           452.025 (1) (b) 4. Any other information ~~which~~ that the ~~department~~ board  
7           reasonably requires to enable it to determine the competency of the person to  
8           transact business as a time-share salesperson in a manner ~~which~~ that safeguards  
9           the interests of the public.

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 2007 a. 20.

10          **SECTION 16.** 452.025 (3) (b) 2. (intro.) of the statutes is amended to read:

11          452.025 (3) (b) 2. A time-share salesperson registered under this section may  
12          complete a form purchase agreement or offer to purchase, if the form purchase  
13          agreement or offer to purchase has been approved by the ~~department~~ board and  
14          includes only the following:

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 2007 a. 20.

15          **SECTION 17.** 452.025 (4) of the statutes is amended to read:

16          452.025 (4) A time-share salesperson registered under this section may apply  
17          at any time to transfer employment to another licensed broker by submitting to the  
18          ~~department~~ board an application in the form prescribed by the ~~department~~ board  
19          and the transfer fee specified in s. 440.05 (7).

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 2007 a. 20.

20          **SECTION 18.** 452.025 (5) (a) of the statutes is amended to read:

21          452.025 (5) (a) The renewal date for certificates of registration granted by the  
22          ~~department~~ board under this section is specified under s. 440.08 (2) (a).

23          **SECTION 19.** 452.03 of the statutes is amended to read:

1           **452.03 Brokers and salespersons licensed.** No person may engage in or  
2 follow the business or occupation of, or advertise or hold himself or herself out as, or  
3 act temporarily or otherwise as a broker or salesperson without a license. ~~Licenses~~  
4 ~~shall be granted~~ The board may grant a license only to ~~persons~~ a person who are is  
5 competent to transact such businesses in a manner ~~which~~ that safeguards the  
6 interests of the public, and only after satisfactory proof of the person's competence  
7 has been presented to the ~~department~~ board.

History: 1981 c. 94, 391; 1989 a. 307.

8           **SECTION 20.** 452.04 of the statutes is repealed.

9           **SECTION 21.** 452.05 (title) and (1) (intro.) of the statutes are amended to read:

10           **452.05 (title) Duties and powers of department board.** (1) (intro.) In  
11 addition to the other duties and responsibilities of the ~~department~~ board under this  
12 chapter, the ~~department~~ board shall advise the secretary on matters relating to real  
13 estate practice and shall:

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

14           **SECTION 22.** 452.05 (1) (b) of the statutes is amended to read:

15           452.05 (1) (b) Approve forms for use in real estate practice. The board may  
16 conduct public hearings on matters relating to the approval of forms used in real  
17 estate practice.

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

18           **SECTION 23.** 452.05 (1) (c) of the statutes is amended to read:

19           452.05 (1) (c) After consultation with the council on real estate curriculum and  
20 examinations ~~and subject to the procedure under s. 452.07,~~ promulgate rules  
21 establishing criteria for the approval of educational programs and training sessions  
22 under s. 452.09 (2) and approve such programs and sessions in accordance with the  
23 established criteria.

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

1           **SECTION 24.** 452.05 (1) (d) of the statutes is amended to read:

2           452.05 (1) (d) After consultation with the council on real estate curriculum and  
3           examinations, ~~the board~~, brokers and salespersons licensed under this chapter, and  
4           interested members of the public, establish criteria for the approval of continuing  
5           educational programs and courses in real estate related subjects required for  
6           renewal under s. 452.12 (5) (c) 1.

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

7           **SECTION 25.** 452.05 (1m) (b) of the statutes is amended to read:

8           452.05 (1m) (b) In preparing the form for the offer to purchase commercial real  
9           property under sub. (1) (b), the ~~department~~ <sup>✓</sup>board shall include a statement that the  
10          seller represents to the buyer that the seller has no notice or knowledge that the  
11          commercial real property is a historic building.

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

12          **SECTION 26.** 452.05 (2) of the statutes is amended to read:

13          452.05 (2) The ~~department~~ <sup>✓</sup>board may prepare letters and bulletins and  
14          conduct clinics disseminating information to its licensees.

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

15          **SECTION 27.** 452.05 (3) of the statutes is amended to read:

16          452.05 (3) The ~~department~~ <sup>✓</sup>board may, ~~after consultation with the board~~, enter  
17          into reciprocal agreements with officials of other states or territories of the United  
18          States for licensing brokers and salespersons and grant licenses to applicants who  
19          are licensed as brokers or salespersons in those states or territories according to the  
20          terms of the reciprocal agreements.

History: 1981 c. 94, 391; 1985 a. 305 ss. 1t, 7; 1987 a. 399; 1989 a. 307, 341; 1991 a. 39; 1993 a. 141; 1995 a. 27; 1997 a. 27; 2003 a. 168.

21          **SECTION 28.** 452.06 (2) (intro.) and (b) of the statutes are consolidated,

22          renumbered 452.06 (2) and amended to read:

1           452.06 (2) The council on real estate curriculum and examinations shall ~~do all~~  
2   of the following: (b) ~~Periodically, but~~ not less than annually, review subjects covered  
3   on examinations for licensure under this chapter and the qualifications for  
4   instructors of and performance evaluations for educational and continuing  
5   educational programs, training sessions, and courses approved under this chapter.

History: 1981 c. 94; 1989 a. 341; 1991 a. 39.

6           **SECTION 29.** 452.06 (2) (a) of the statutes ~~is~~ repealed. *u*

7           **SECTION 30.** 452.07 (title) of the statutes is amended to read:

8           **452.07 (title) Rules; review of rules.**

History: 1981 c. 94; 1985 a. 182 s. 57; 1987 a. 403 s. 256; 2001 a. 16.

9           **SECTION 31.** 452.07 (1) of the statutes is amended to read:

10          452.07 (1) The ~~department~~ board shall promulgate rules for the guidance of the  
11   real estate profession and define professional conduct and unethical practice.

History: 1981 c. 94; 1985 a. 182 s. 57; 1987 a. 403 s. 256; 2001 a. 16.

12          **SECTION 32.** 452.07 (1m) of the statutes is amended to read:

13          452.07 (1m) The ~~department~~ board shall promulgate rules that specify the  
14   supervisory duties of brokers under s. 452.12 (3).

History: 1981 c. 94; 1985 a. 182 s. 57; 1987 a. 403 s. 256; 2001 a. 16.

15          **SECTION 33.** 452.07 (2) to (7) of the statutes ~~is~~ repealed. *are*

16          **SECTION 34.** 452.09 (1) (intro.) of the statutes is amended to read:

17          452.09 (1) FORM OF APPLICATION. (intro.) Any person desiring to act as a broker  
18   or salesperson shall submit to the ~~department~~ board an application for a license. The  
19   application shall be in such form as the ~~department~~ board prescribes and shall  
20   include the following:

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

21          **SECTION 35.** 452.09 (1) (e) of the statutes is amended to read:

22          452.09 (1) (e) Any other information ~~which~~ that the ~~department~~ board may  
23   reasonably require to enable it to determine the competency of each applicant,

1 including each business representative of the business entity, to transact the  
2 business of a broker or salesperson in a manner ~~which~~ that safeguards the interests  
3 of the public.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

4 **SECTION 36.** 452.09 (2) (a) of the statutes is amended to read:

5 452.09 (2) (a) Except as provided in a reciprocal agreement under s. 452.05 (3),  
6 each applicant for a salesperson's license shall submit to the ~~department~~ board  
7 evidence satisfactory to the ~~department~~ board of successful completion of  
8 educational programs approved for this purpose under s. 452.05 (1) (c). The  
9 ~~department~~ board may waive the requirement under this paragraph upon proof that  
10 the applicant has received 10 academic credits in real estate or real estate related  
11 law courses from an accredited institution of higher education.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

12 **SECTION 37.** 452.09 (2) (c) 2. of the statutes is amended to read:

13 452.09 (2) (c) 2. Submit to the ~~department~~ board evidence satisfactory to the  
14 ~~department~~ board of successful completion of educational programs in business  
15 management approved for this purpose under s. 452.05 (1) (c). No educational  
16 programs applied to satisfy the requirement under subd. 1. may be applied to satisfy  
17 the requirement under this subdivision.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

18 **SECTION 38.** 452.09 (2) (d) of the statutes is amended to read:

19 452.09 (2) (d) The ~~department~~ board may waive the requirements under par.  
20 (c) upon proof that the applicant has received 20 academic credits in real estate or  
21 real estate related law courses from an accredited institution of higher education or  
22 that the applicant is licensed to practice law in this state.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

23 **SECTION 39.** 452.09 (3) (a) of the statutes is amended to read:



1           452.09 (3) (a) In determining competency, the ~~department~~ board shall require  
2 proof that the applicant for a broker's or salesperson's license has a fair knowledge  
3 of the English language; a fair understanding of the general purposes and general  
4 legal effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel  
5 mortgages, and conditional sales contracts; and a general and fair understanding  
6 of the obligations between principal and agent, as well as of this chapter. ~~An~~ The  
7 board shall deny a license to an applicant receiving a failing grade, as established by  
8 rules of the ~~department~~ board, on any examination given under this section shall be  
9 denied a license, but any applicant may review his or her examination results in a  
10 manner established by rules of the ~~department~~ board.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

11           **SECTION 40.** 452.09 (3) (b) of the statutes is amended to read:

12           452.09 (3) (b) The ~~department~~ board shall determine competency under par.  
13 (a) by means of only an oral examination for any applicant who is unable to write  
14 because of a physical handicap.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

15           **SECTION 41.** 452.09 (3) (d) of the statutes is amended to read:

16           452.09 (3) (d) Except as provided in a reciprocal agreement under s. 452.05 (3),  
17 the ~~department~~ board may not grant a broker's license to an applicant who does not  
18 hold a salesperson's license unless the applicant passes the salesperson's  
19 examination and the broker's examination.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

20           **SECTION 42.** 452.09 (5) of the statutes is amended to read:

21           452.09 (5) APPRENTICESHIPS. Any person who is a resident of this state and 18  
22 years of age or over may, upon application filed in accordance with sub. (1), be  
23 indentured to a licensed resident broker in accordance with rules promulgated by the  
24 ~~department~~ board. These rules shall be promulgated so as to protect the public and

1 may limit the real estate sales and brokerage activity of the apprentice. The  
2 ~~department board~~ may require an apprentice to take a preliminary examination  
3 covering general knowledge and may prescribe the character and extent of his or her  
4 work during apprenticeship. The ~~department board~~ may issue a temporary  
5 salesperson's permit to the individual for a period not to exceed one year upon  
6 payment of the fee under s. 440.05 (6). The temporary permit is not renewable.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168; 2009 a. 110.

7 **SECTION 43.** 452.10 (2) (b) of the statutes is amended to read:

8 452.10 (2) (b) Unless an application is withdrawn in writing before the  
9 ~~department board~~ has made any investigation, no part of the fee shall be returned.

History: 1981 c. 94, 314, 391; 1983 a. 27, 273; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307; 1991 a. 39; 1995 a. 400; 2007 a. 20.

10 **SECTION 44.** 452.10 (4) (a) of the statutes is amended to read:

11 452.10 (4) (a) Any licensed salesperson or broker may transfer to the  
12 employment of a licensed broker by first paying the transfer fee specified in s. 440.05  
13 (7) and filing a transfer form with the ~~department board~~.

History: 1981 c. 94, 314, 391; 1983 a. 27, 273; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307; 1991 a. 39; 1995 a. 400; 2007 a. 20.

14 **SECTION 45.** 452.10 (6) of the statutes is amended to read:

15 452.10 (6) In the case of applications for renewals of licenses the ~~department~~  
16 ~~board~~ may dispense with such matters contained in s. 452.09 (1) as it deems  
17 unnecessary in view of prior applications.

History: 1981 c. 94, 314, 391; 1983 a. 27, 273; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307; 1991 a. 39; 1995 a. 400; 2007 a. 20.

18 **SECTION 46.** 452.11 (3) of the statutes is amended to read:

19 452.11 (3) Every nonresident applicant, and every resident licensee who  
20 becomes a nonresident, shall file with the ~~department board~~ an irrevocable consent  
21 that actions may be commenced against the applicant or licensee in the proper court  
22 of any county of the state in which a cause of action arises or in which the plaintiff  
23 resides, by the service of any process or pleading authorized by the laws of this state

1 on the ~~department~~ board or any duly authorized employee. The consent shall  
2 stipulate and agree that such service is valid and binding as due service upon the  
3 applicant or licensee in all courts in this state. The consent shall be duly  
4 acknowledged and, if made by a corporation, shall be authenticated by the corporate  
5 seal.

History: 1981 c. 94; 1983 a. 27; 1987 a. 399; 1991 a. 207.

6 **SECTION 47.** 452.11 (4) of the statutes is amended to read:

7 452.11 (4) Any process or pleading under this section shall be served in  
8 duplicate upon the ~~department~~ board or its duly authorized employee. One copy  
9 shall be filed with the ~~department~~ board and the other immediately forwarded by  
10 certified mail to the nonresident licensee against whom the process or pleading is  
11 directed at the last address provided to the ~~department~~ board by the nonresident  
12 licensee. No default in any such proceeding or action may be taken unless it appears  
13 by affidavit of the ~~secretary~~ chairperson of the board or any duly authorized  
14 employee that a copy of the process or pleading was mailed to the nonresident  
15 licensee as required in this subsection. No judgment by default may be taken in any  
16 action or proceeding within 20 days after the date of mailing the process or pleading  
17 to the nonresident licensee.

History: 1981 c. 94; 1983 a. 27; 1987 a. 399; 1991 a. 207.

18 **SECTION 48.** 452.12 (1) of the statutes is amended to read:

19 452.12 (1) EXPIRATION. A license granted by the ~~department~~ board entitles the  
20 holder to act as a broker or salesperson, as the case may be, until the applicable  
21 renewal date specified under s. 440.08 (2) (a).

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

22 **SECTION 49.** 452.12 (2) (c) of the statutes is amended to read:

23 452.12 (2) (c) Application for a business entity license shall be made on forms  
24 prescribed by the ~~department~~ board, listing the names and addresses of all business

representatives, and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). If there is a change in any of the business representatives, the change shall be reported to the ~~department~~ board, on the same form, within 30 days after the effective date of the change.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

**SECTION 50.** 452.12 (4) of the statutes is amended to read:

452.12 (4) REGISTER OF BROKERS AND SALESPERSONS. ~~The department shall maintain the register required by s. 440.035 (4).~~ The board shall include in the register the board maintains under s. 440.035 (4) the names of all brokers and salespersons whose licenses ~~have been~~ were revoked at ~~any time~~ within the past 2 years ~~prior to the issuance thereof shall be included in the register.~~ The register shall be available for purchase at cost.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

**SECTION 51.** 452.12 (5) (b) of the statutes is amended to read:

452.12 (5) (b) If an application for renewal is not filed with the ~~department~~ board on or before the renewal date, the applicant may not engage in any of the activities covered by the license until the license is renewed or a new license is issued.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

**SECTION 52.** 452.12 (5) (c) 2. of the statutes is amended to read:

452.12 (5) (c) 2. Not later than June 30 of each even-numbered year, the ~~department~~ board shall conduct an examination on those subjects required for continuing education under s. 452.05 (1) (d). Any broker or salesperson who passes the examination under this subdivision is not required to comply with subd. 1.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

**SECTION 53.** 452.12 (6) (b) of the statutes is amended to read:

1           452.12 (6) (b) Unless an applicant's license has been revoked or suspended  
2           under s. 452.14 (3), the ~~department~~ board may register the applicant under par. (a)  
3           as an inactive licensee upon payment of a \$15 fee.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

4           **SECTION 54.** 452.12 (6) (d) of the statutes is amended to read:

5           452.12 (6) (d) If an inactive licensee files an application for reinstatement  
6           before January 1, 1996, the ~~department~~ board shall reinstate the inactive licensee's  
7           original license in accordance with the requirements for late renewal under s. 440.08  
8           (3).

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

9           **SECTION 55.** 452.12 (6) (e) (intro.) of the statutes is amended to read:

10          452.12 (6) (e) (intro.) Except as provided in ss. 440.03 (11m) (b), 440.12 and  
11          440.13 (2) (a) (c), the ~~department~~ board shall reinstate an inactive licensee's original  
12          license as follows:

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

13          **SECTION 56.** 452.12 (6) (e) 1. of the statutes is amended to read:

14          452.12 (6) (e) 1. If a person has registered as an inactive licensee before  
15          November 1, 1990, the ~~department~~ board shall reinstate the person's original license  
16          if that person applies to the ~~department~~ board for reinstatement of his or her original  
17          license, pays the fee specified under s. 440.05 (1), passes an examination under s.  
18          452.09 (3), and completes the education requirements established by the ~~department~~  
19          board under par. (f).

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

20          **SECTION 57.** 452.12 (6) (e) 2. of the statutes is amended to read:

21          452.12 (6) (e) 2. If a person has registered as an inactive licensee on or after  
22          November 1, 1990, the ~~department~~ board shall reinstate the person's original license  
23          if that person applies to the ~~department~~ board for reinstatement of his or her original

1 license, pays the renewal fee determined by the department under s. 440.03 (9) (a)  
2 for the original license and completes 12 hours of continuing education as established  
3 by the department board under par. (f). A person who is eligible for reinstatement  
4 of his or her original license under this subdivision shall complete the requirements  
5 for reinstatement under this subdivision before January 1, 1996, or within 5 years  
6 after the date on which the person registered as an inactive licensee, whichever is  
7 later.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

8 **SECTION 58.** 452.12 (6) (e) 3. of the statutes is amended to read:

9 452.12 (6) (e) 3. If a person who is eligible for reinstatement of his or her  
10 original license under subd. 2. does not complete the requirements for reinstatement  
11 within the time specified under subd. 2., the department board shall reinstate the  
12 original license of that person if he or she meets the requirements specified under  
13 subd. 1.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

14 **SECTION 59.** 452.12 (6) (f) of the statutes is amended to read:

15 452.12 (6) (f) The department board shall promulgate rules establishing the  
16 education requirements that applicants for reinstatement of original licenses under  
17 par. (e) must satisfy.

History: 1981 c. 94; 1983 a. 27; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307, 341; 1991 a. 39; 1995 a. 27, 400; 1997 a. 27, 191, 237; 2001 a. 16; 2005 a. 87; 2007 a. 20.

18 **SECTION 60.** 452.14 (1) of the statutes is amended to read:

19 452.14 (1) The department board shall, upon motion of the board secretary or  
20 his or her designee or upon its own determination, conduct investigations and, as  
21 appropriate, may hold hearings and make findings, if the board or the department  
22 receives credible information that a broker, salesperson, or time-share salesperson  
23 has violated this chapter or any rule promulgated under this chapter.

History: 1981 c. 94, 391; 1983 a. 27 s. 2202 (44); 1983 a. 354; 1985 a. 305; 1987 a. 399; 1989 a. 307, 341, 359; 1991 a. 32, 163; 1993 a. 127; 1995 a. 400; 2005 a. 87; 2009 a. 95.

1           **SECTION 61.** 452.14 (2) of the statutes is amended to read:

2           452.14 (2) ~~The department shall present the findings of any investigation of~~  
3           ~~a licensee or registrant to the board for its consideration. The department shall upon~~  
4           ~~motion of the board, and board~~ may, ~~upon its own determination,~~ commence  
5           disciplinary proceedings on any matter under investigation concerning a licensee or  
6           registrant. ~~No investigation of a licensee or registrant may be closed without motion~~  
7           ~~of the board.~~

History: 1981 c. 94, 391; 1983 a. 27 s. 2202 (44); 1983 a. 354; 1985 a. 305; 1987 a. 399; 1989 a. 307, 341, 359; 1991 a. 32, 163; 1993 a. 127; 1995 a. 400; 2005 a. 87; 2009 a. 95.

8           **SECTION 62.** 452.17 (2) of the statutes is amended to read:

9           452.17 (2) Any person who engages in or follows the business or occupation of,  
10          or advertises or holds himself or herself out as or acts temporarily or otherwise as,  
11          a time-share salesperson in this state without being registered with the department  
12          ~~board~~ shall be prosecuted by the district attorney in the county where the violation  
13          occurs and may be fined not less than \$25 nor more than \$200 or imprisoned not less  
14          than 10 days nor more than 6 months or both.

History: 1981 c. 94; 1983 a. 354; 1987 a. 399; 1989 a. 95, 307, 341; 1995 a. 27; 1999 a. 82; 1999 a. 150 s. 672.

15          **SECTION 63.** 452.22 (2) of the statutes is amended to read:

16          452.22 (2) The certificate of the secretary ~~chairperson of the board~~ or his or her  
17          designee to the effect that a specified individual or business entity is not or was not  
18          on a specified date the holder of a broker's, salesperson's, or time-share salesperson's  
19          license or registration, or that a specified license or registration was not in effect on  
20          a date specified, or as to the issuance, limitation, suspension, or revocation of any  
21          license or registration or the reprimand of any license or registration holder thereof,  
22          the filing or withdrawal of any application or its existence or nonexistence, is prima

1 facie evidence of the facts ~~therein~~ stated in the certificate for all purposes in any  
2 action or proceedings.

History: 1981 c. 94; 1987 a. 399; 1995 a. 400.

3 **SECTION 9140. Nonstatutory provisions; Regulation and Licensing.**

4 (1) RULES AND ORDERS. All rules promulgated by the department of regulation  
5 and licensing that relate to the licensure of real estate brokers and salespersons or  
6 the registration of time-share salespersons that are in effect on the effective date of  
7 this subsection, remain in effect until their specified expiration dates or until  
8 amended or repealed by the real estate examining board. All orders issued by the  
9 department of regulation and licensing relating to such licensure or registration that  
10 are in effect on the effective date of this subsection remain in effect until their  
11 specified expiration dates or until modified or rescinded by the real estate examining  
12 board.

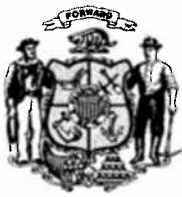
13 (2) PENDING MATTERS. Any matter pending with the department of regulation  
14 and licensing on the effective date of this <sup>le subsection</sup> ~~paragraph~~ that is primarily related to the  
15 licensure of real estate brokers and salespersons or the registration of time-share  
16 salespersons, as determined by the secretary of regulation and licensing, is  
17 transferred to the real estate examining board, and all materials submitted to or  
18 actions taken by the department of regulation and licensing with respect to the  
19 pending matters are considered as having been submitted to or taken by the real  
20 estate examining board.

21 (3) CONTRACTS. All contracts entered into by the department of regulation and  
22 licensing in effect on the effective date of this <sup>le subsection</sup> ~~paragraph~~ that are primarily related  
23 to licensure of real estate brokers and salespersons or the registration of time-share  
24 salespersons, as determined by the secretary of regulation and licensing, remain in



1 effect and are transferred to the real estate examining board. The real estate  
2 examining board shall carry out any obligations under such a contract until the  
3 contract is modified or rescinded by the real estate examining board to the extent  
4 allowed under the contract.

5 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1272(P)  
MPG:kjf:rs

DOA:.....Dombrowski, BB0298 - Delete current real estate board and create  
real estate examining board

**FOR 2011-13 BUDGET - NOT READY FOR INTRODUCTION**

*Insert*

*Under the bill, the Real Estate Examining Board consists of five licensed real estate brokers or salespersons and two public members, each of whom is appointed to a four-year term.*

*Don't Gen*

1

AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau**

**OCCUPATIONAL REGULATION**

Under current law, DRL directly administers the regulation of real estate practice in Wisconsin. DRL's duties and powers include issuing licenses to real estate brokers and sales persons; issuing registrations to time-share salespersons; approving forms for use in real estate practice, including an offer to purchase; promulgating rules regulating real estate practice; developing and grading real estate examinations; approving continuing education courses; preparing written materials and conducting clinics to disseminate information to licensees; entering into reciprocity agreements with other states; and, if DRL receives credible evidence that a real estate broker or salesperson or a time-share salesperson has violated real estate law, conducting investigations, holding hearings, and making findings regarding that violation.

There is a real estate board (board) under current law. The board conducts disciplinary proceedings, and the board has the power to apply appropriate discipline. The board also reviews and comments on administrative rules relating to real estate practice that DRL proposes; may participate in public hearings regarding proposed rules; may review proposed legislation regarding real estate practice; and advises the secretary of DRL regarding real estate practice.

This bill *renames* the board the Real Estate Examining Board. The bill transfers most of DRL's duties and powers regulating real estate practice to the Real

*eliminates*

*and creates*

Estate Examining Board, including rules promulgation and approval of the forms used in real estate practice.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

✓  
1       **SECTION 1.** 15.07 (1) (b) 8. of the statutes is repealed.

✓  
2       **SECTION 2.** 15.07 (1) (cm) of the statutes is amended to read:

3       15.07 (1) (cm) The term of one member of the government accountability board  
4 shall expire on each May 1. The terms of 3 members of the economic policy board  
5 appointed under s. 15.155 (2) (a) 4. shall expire on May 1 of every even-numbered  
6 year and the terms of the other 3 members appointed under s. 15.155 (2) (a) 4. shall  
7 expire on May 1 of every odd-numbered year. The terms of the 3 members of the land  
8 and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on  
9 January 1. The term of the member of the land and water conservation board  
10 appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered  
11 year. ~~The terms of members of the real estate board shall expire on July 1.~~ The terms  
12 of the appraiser members of the real estate appraisers board and the terms of the  
13 auctioneer and auction company representative members of the auctioneer board  
14 shall expire on May 1 in an even-numbered year. The terms of the members of the  
15 cemetery board shall expire on July 1 in an even-numbered year. The term of the  
16 student member of the Board of Regents of the University of Wisconsin System who  
17 is at least 24 years old shall expire on May 1 of every even-numbered year.

✓  
18       **SECTION 3.** 15.07 (1) (cs) of the statutes is amended to read:

19       15.07 (1) (cs) No member of the auctioneer board, cemetery board, or real estate  
20 appraisers board, ~~or real estate board~~ may be an officer, director, or employee of a

private organization that promotes or furthers any profession or occupation regulated by that board.

**SECTION 4.** 15.07 (3) (b) of the statutes is amended to read:

15.07 (3) (b) Except as provided in par. (bm), each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the chairperson or a majority of its members. The auctioneer board, the cemetery board, ~~the real estate board~~, and the real estate appraisers board shall also meet on the call of the secretary of regulation and licensing or his or her designee within the department.

**SECTION 5.** 15.07 (5) (r) of the statutes is repealed.

**SECTION 6.** 15.405 (11) of the statutes is amended to read:

15.405 (11) <sup>m</sup> REAL ESTATE EXAMINING BOARD. There is created a real estate examining board in the department of regulation and licensing. The real estate examining board shall consist of 7 members appointed to staggered 4-year terms. ~~Four~~ <sup>Five</sup> of the members shall be real estate brokers or salespersons licensed in this state. ~~Three~~ <sup>Two</sup> members shall be public members. Section 15.08 (1m) (am) applies to the public members of the real estate board. No member may serve more than 2 terms. The real estate board does not have rule-making authority.

**SECTION 7.** 15.407 (5) of the statutes is amended to read:

15.407 (5) COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS. There is created in the department of regulation and licensing a council on real estate curriculum and examinations consisting of 7 members appointed for 4-year terms. Five members shall be real estate brokers or salespersons licensed under ch. 452 and 2 members shall be public members. Of the real estate broker or salesperson members, one member shall be a member of the real estate examining board appointed by the real estate examining board, at least 2 members shall be licensed

Section # 15.405 (11m) of the statutes is created to read:

1 real estate brokers with at least 5 years of experience as real estate brokers, and at  
2 least one member shall be a licensed real estate salesperson with at least 2 years of  
3 experience as a real estate salesperson. Of the 2 public members, at least one  
4 member shall have at least 2 years of experience in planning or presenting real estate  
5 educational programs. No member of the council may serve more than 2 consecutive  
6 terms.

7 **SECTION 8.** 440.03 (1) of the statutes is amended to read:

8 440.03 (1) The department may promulgate rules defining uniform procedures  
9 to be used by the department, the real estate examining board, the real estate  
10 appraisers board, and all examining boards and affiliated credentialing boards  
11 attached to the department or an examining board, for receiving, filing and  
12 investigating complaints, for commencing disciplinary proceedings and for  
13 conducting hearings.

14 **SECTION 9.** 440.03 (11m) (b) of the statutes is amended to read:

15 440.03 (11m) (b) The ~~department~~ real estate examining board shall deny an  
16 application for an initial credential or deny an application for credential renewal or  
17 for reinstatement of an inactive license under s. 452.12 (6) (e) if any information  
18 required under par. (a) is not included in the application form or, in the case of an  
19 applicant who is an individual and who does not have a social security number, if the  
20 statement required under par. (am) is not included with the application form.

21 **SECTION 10.** 440.13 (2) (a) of the statutes is amended to read:

22 440.13 (2) (a) With respect to a credential granted by the department, the  
23 department shall restrict, limit, or suspend a credential or deny an application for  
24 an initial credential ~~or for reinstatement of an inactive license under s. 452.12 (6) (e)~~  
25 if the credential holder or applicant is delinquent in paying support or fails to comply,

1 after appropriate notice, with a subpoena or warrant issued by the department of  
2 children and families or a county child support agency under s. 59.53 (5) and related  
3 to support or paternity proceedings.

4 **SECTION 11.** 440.13 (2) (c) of the statutes is amended to read:

5 440.13 (2) (c) With respect to a credential granted by a credentialing board, a  
6 credentialing board shall restrict, limit or suspend a credential held by a person or  
7 deny an application for an initial credential or for reinstatement of an inactive  
8 license under s. 452.12 (6) (e) when directed to do so by the department.

9 **SECTION 12.** 452.01 (1s) of the statutes is amended to read:

10 452.01 (1s) "Board" means real estate examining board.

11 **SECTION 13.** 452.025 (1) (a) of the statutes is amended to read:

12 452.025 (1) (a) A person desiring to act as a time-share salesperson shall  
13 submit to the ~~department~~ board an application for a certificate of registration.

14 **SECTION 14.** 452.025 (1) (b) (intro.) of the statutes is amended to read:

15 452.025 (1) (b) The application for registration as a time-share salesperson  
16 shall be in the form prescribed by the ~~department~~ board and shall include all of the  
17 following:

18 **SECTION 15.** 452.025 (1) (b) 4. of the statutes is amended to read:

19 452.025 (1) (b) 4. Any other information ~~which~~ that the department board  
20 reasonably requires to enable it to determine the competency of the person to  
21 transact business as a time-share salesperson in a manner ~~which~~ that safeguards  
22 the interests of the public.

23 **SECTION 16.** 452.025 (3) (b) 2. (intro.) of the statutes is amended to read:

24 452.025 (3) (b) 2. A time-share salesperson registered under this section may  
25 complete a form purchase agreement or offer to purchase, if the form purchase

1 agreement or offer to purchase has been approved by the department board and  
2 includes only the following:

3 **SECTION 17.** 452.025 (4) of the statutes is amended to read:

4 452.025 (4) A time-share salesperson registered under this section may apply  
5 at any time to transfer employment to another licensed broker by submitting to the  
6 department board an application in the form prescribed by the department board  
7 and the transfer fee specified in s. 440.05 (7).

8 **SECTION 18.** 452.025 (5) (a) of the statutes is amended to read:

9 452.025 (5) (a) The renewal date for certificates of registration granted by the  
10 department board under this section is specified under s. 440.08 (2) (a).

11 **SECTION 19.** 452.03 of the statutes is amended to read:

12 **452.03 Brokers and salespersons licensed.** No person may engage in or  
13 follow the business or occupation of, or advertise or hold himself or herself out as, or  
14 act temporarily or otherwise as a broker or salesperson without a license. Licenses  
15 ~~shall be granted~~ The board may grant a license only to persons a person who are is  
16 competent to transact such businesses in a manner ~~which~~ that safeguards the  
17 interests of the public, and only after satisfactory proof of the person's competence  
18 has been presented to the department board.

19 **SECTION 20.** 452.04 of the statutes is repealed.

20 **SECTION 21.** 452.05 (title) and (1) (intro.) of the statutes are amended to read:

21 **452.05 (title) Duties and powers of department board.** (1) (intro.) In  
22 addition to the other duties and responsibilities of the department board under this  
23 chapter, the department board shall advise the secretary on matters relating to real  
24 estate practice and shall:

25 **SECTION 22.** 452.05 (1) (b) of the statutes is amended to read:

1           452.05 (1) (b) Approve forms for use in real estate practice. The board may  
2           conduct public hearings on matters relating to the approval of forms used in real  
3           estate practice.

4           **SECTION 23.** 452.05 (1) (c) of the statutes is amended to read:

5           452.05 (1) (c) After consultation with the council on real estate curriculum and  
6           examinations ~~and subject to the procedure under s. 452.07~~, promulgate rules  
7           establishing criteria for the approval of educational programs and training sessions  
8           under s. 452.09 (2) and approve such programs and sessions in accordance with the  
9           established criteria.

10          **SECTION 24.** 452.05 (1) (d) of the statutes is amended to read:

11          452.05 (1) (d) After consultation with the council on real estate curriculum and  
12          examinations, ~~the board~~, brokers and salespersons licensed under this chapter, and  
13          interested members of the public, establish criteria for the approval of continuing  
14          educational programs and courses in real estate related subjects required for  
15          renewal under s. 452.12 (5) (c) 1.

16          **SECTION 25.** 452.05 (1m) (b) of the statutes is amended to read:

17          452.05 (1m) (b) In preparing the form for the offer to purchase commercial real  
18          property under sub. (1) (b), the ~~department~~ board shall include a statement that the  
19          seller represents to the buyer that the seller has no notice or knowledge that the  
20          commercial real property is a historic building.

21          **SECTION 26.** 452.05 (2) of the statutes is amended to read:

22          452.05 (2) The ~~department~~ board may prepare letters and bulletins and  
23          conduct clinics disseminating information to its licensees.

24          **SECTION 27.** 452.05 (3) of the statutes is amended to read:



1           452.05 (3) The ~~department~~ board may, ~~after consultation with the board~~, enter  
2 into reciprocal agreements with officials of other states or territories of the United  
3 States for licensing brokers and salespersons and grant licenses to applicants who  
4 are licensed as brokers or salespersons in those states or territories according to the  
5 terms of the reciprocal agreements.

6           **SECTION 28.** 452.06 (2) (intro.) and (b) of the statutes are consolidated,  
7 renumbered 452.06 (2) and amended to read:

8           452.06 (2) The council on real estate curriculum and examinations shall ~~do all~~  
9 ~~of the following:~~ (b) Periodically, but not less than annually, review subjects covered  
10 on examinations for licensure under this chapter and the qualifications for  
11 instructors of and performance evaluations for educational and continuing  
12 educational programs, training sessions, and courses approved under this chapter.

13           **SECTION 29.** 452.06 (2) (a) of the statutes is repealed.

14           **SECTION 30.** 452.07 (title) of the statutes is amended to read:

15           **452.07 (title) Rules; review of rules.**

16           **SECTION 31.** 452.07 (1) of the statutes is amended to read:

17           452.07 (1) The ~~department~~ board shall promulgate rules for the guidance of the  
18 real estate profession and define professional conduct and unethical practice.

19           **SECTION 32.** 452.07 (1m) of the statutes is amended to read:

20           452.07 (1m) The ~~department~~ board shall promulgate rules that specify the  
21 supervisory duties of brokers under s. 452.12 (3).

22           **SECTION 33.** 452.07 (2) to (7) of the statutes are repealed.

23           **SECTION 34.** 452.09 (1) (intro.) of the statutes is amended to read:

24           452.09 (1) FORM OF APPLICATION. (intro.) Any person desiring to act as a broker  
25 or salesperson shall submit to the ~~department~~ board an application for a license. The

1 application shall be in such form as the ~~department~~ board prescribes and shall  
2 include the following:

3 **SECTION 35.** 452.09 (1) (e) of the statutes is amended to read:

4 452.09 (1) (e) Any other information ~~which~~ that the ~~department~~ board may  
5 reasonably require to enable it to determine the competency of each applicant,  
6 including each business representative of the business entity, to transact the  
7 business of a broker or salesperson in a manner ~~which~~ that safeguards the interests  
8 of the public.

9 **SECTION 36.** 452.09 (2) (a) of the statutes is amended to read:

10 452.09 (2) (a) Except as provided in a reciprocal agreement under s. 452.05 (3),  
11 each applicant for a salesperson's license shall submit to the ~~department~~ board  
12 evidence satisfactory to the ~~department~~ board of successful completion of  
13 educational programs approved for this purpose under s. 452.05 (1) (c). The  
14 ~~department~~ board may waive the requirement under this paragraph upon proof that  
15 the applicant has received 10 academic credits in real estate or real estate related  
16 law courses from an accredited institution of higher education.

17 **SECTION 37.** 452.09 (2) (c) 2. of the statutes is amended to read:

18 452.09 (2) (c) 2. Submit to the ~~department~~ board evidence satisfactory to the  
19 ~~department~~ board of successful completion of educational programs in business  
20 management approved for this purpose under s. 452.05 (1) (c). No educational  
21 programs applied to satisfy the requirement under subd. 1. may be applied to satisfy  
22 the requirement under this subdivision.

23 **SECTION 38.** 452.09 (2) (d) of the statutes is amended to read:

24 452.09 (2) (d) The ~~department~~ board may waive the requirements under par.  
25 (c) upon proof that the applicant has received 20 academic credits in real estate or

1 real estate related law courses from an accredited institution of higher education or  
2 that the applicant is licensed to practice law in this state.

3 **SECTION 39.** 452.09 (3) (a) of the statutes is amended to read:

4 452.09 (3) (a) In determining competency, the department board shall require  
5 proof that the applicant for a broker's or salesperson's license has a fair knowledge  
6 of the English language; a fair understanding of the general purposes and general  
7 legal effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel  
8 mortgages, and conditional sales contracts; and a general and fair understanding  
9 of the obligations between principal and agent, as well as of this chapter. ~~An~~ The  
10 board shall deny a license to an applicant receiving a failing grade, as established by  
11 rules of the department board, on any examination given under this section ~~shall be~~  
12 ~~denied a license~~, but any applicant may review his or her examination results in a  
13 manner established by rules of the department board.

14 **SECTION 40.** 452.09 (3) (b) of the statutes is amended to read:

15 452.09 (3) (b) The department board shall determine competency under par.  
16 (a) by means of only an oral examination for any applicant who is unable to write  
17 because of a physical handicap.

18 **SECTION 41.** 452.09 (3) (d) of the statutes is amended to read:

19 452.09 (3) (d) Except as provided in a reciprocal agreement under s. 452.05 (3),  
20 the department board may not grant a broker's license to an applicant who does not  
21 hold a salesperson's license unless the applicant passes the salesperson's  
22 examination and the broker's examination.

23 **SECTION 42.** 452.09 (5) of the statutes is amended to read:

24 452.09 (5) APPRENTICESHIPS. Any person who is a resident of this state and 18  
25 years of age or over may, upon application filed in accordance with sub. (1), be

1 indentured to a licensed resident broker in accordance with rules promulgated by the  
2 ~~department~~ board. These rules shall be promulgated so as to protect the public and  
3 may limit the real estate sales and brokerage activity of the apprentice. The  
4 ~~department~~ board may require an apprentice to take a preliminary examination  
5 covering general knowledge and may prescribe the character and extent of his or her  
6 work during apprenticeship. The ~~department~~ board may issue a temporary  
7 salesperson's permit to the individual for a period not to exceed one year upon  
8 payment of the fee under s. 440.05 (6). The temporary permit is not renewable.

9 **SECTION 43.** 452.10 (2) (b) of the statutes<sup>✓</sup> is amended to read:

10 452.10 (2) (b) Unless an application is withdrawn in writing before the  
11 ~~department~~ board has made any investigation, no part of the fee shall be returned.

12 **SECTION 44.** 452.10 (4) (a) of the statutes<sup>✓</sup> is amended to read:

13 452.10 (4) (a) Any licensed salesperson or broker may transfer to the  
14 employment of a licensed broker by first paying the transfer fee specified in s. 440.05  
15 (7) and filing a transfer form with the ~~department~~ board.

16 **SECTION 45.** 452.10 (6) of the statutes<sup>✓</sup> is amended to read:

17 452.10 (6) In the case of applications for renewals of licenses the ~~department~~  
18 board may dispense with such matters contained in s. 452.09 (1) as it deems  
19 unnecessary in view of prior applications.

20 **SECTION 46.** 452.11 (3) of the statutes<sup>✓</sup> is amended to read:

21 452.11 (3) Every nonresident applicant, and every resident licensee who  
22 becomes a nonresident, shall file with the ~~department~~ board an irrevocable consent  
23 that actions may be commenced against the applicant or licensee in the proper court  
24 of any county of the state in which a cause of action arises or in which the plaintiff  
25 resides, by the service of any process or pleading authorized by the laws of this state

1 on the department board or any duly authorized employee. The consent shall  
2 stipulate and agree that such service is valid and binding as due service upon the  
3 applicant or licensee in all courts in this state. The consent shall be duly  
4 acknowledged and, if made by a corporation, shall be authenticated by the corporate  
5 seal.

6 **SECTION 47.** 452.11 (4) of the statutes is amended to read:

7 452.11 (4) Any process or pleading under this section shall be served in  
8 duplicate upon the department board or its duly authorized employee. One copy  
9 shall be filed with the department board and the other immediately forwarded by  
10 certified mail to the nonresident licensee against whom the process or pleading is  
11 directed at the last address provided to the department board by the nonresident  
12 licensee. No default in any such proceeding or action may be taken unless it appears  
13 by affidavit of the secretary chairperson of the board or any duly authorized  
14 employee that a copy of the process or pleading was mailed to the nonresident  
15 licensee as required in this subsection. No judgment by default may be taken in any  
16 action or proceeding within 20 days after the date of mailing the process or pleading  
17 to the nonresident licensee.

18 **SECTION 48.** 452.12 (1) of the statutes is amended to read:

19 452.12 (1) EXPIRATION. A license granted by the department board entitles the  
20 holder to act as a broker or salesperson, as the case may be, until the applicable  
21 renewal date specified under s. 440.08 (2) (a).

22 **SECTION 49.** 452.12 (2) (c) of the statutes is amended to read:

23 452.12 (2) (c) Application for a business entity license shall be made on forms  
24 prescribed by the department board, listing the names and addresses of all business  
25 representatives, and shall be accompanied by the initial credential fee determined

1 by the department under s. 440.03 (9) (a). If there is a change in any of the business  
2 representatives, the change shall be reported to the ~~department~~ board, on the same  
3 form, within 30 days after the effective date of the change.

4 **SECTION 50.** 452.12 (4) of the statutes<sup>✓</sup> is amended to read:

5 452.12 (4) REGISTER OF BROKERS AND SALESPERSONS. ~~The department shall~~  
6 ~~maintain the register required by s. 440.035 (4).~~ The board shall include in the  
7 register the board maintains under s. 440.035 (4) the names of all brokers and  
8 salespersons whose licenses ~~have been~~ were revoked ~~at any time~~ within the past 2  
9 years ~~prior to the issuance thereof shall be included in the register.~~ The register shall  
10 be available for purchase at cost.

11 **SECTION 51.** 452.12 (5) (b) of the statutes<sup>✓</sup> is amended to read:

12 452.12 (5) (b) If an application for renewal is not filed with the ~~department~~  
13 board on or before the renewal date, the applicant may not engage in any of the  
14 activities covered by the license until the license is renewed or a new license is issued.

15 **SECTION 52.** 452.12 (5) (c) 2. of the statutes<sup>✓</sup> is amended to read:

16 452.12 (5) (c) 2. Not later than June 30 of each even-numbered year, the  
17 ~~department~~ board shall conduct an examination on those subjects required for  
18 continuing education under s. 452.05 (1) (d). Any broker or salesperson who passes  
19 the examination under this subdivision is not required to comply with subd. 1.

20 **SECTION 53.** 452.12 (6) (b) of the statutes<sup>✓</sup> is amended to read:

21 452.12 (6) (b) Unless an applicant's license has been revoked or suspended  
22 under s. 452.14 (3), the ~~department~~ board may register the applicant under par. (a)  
23 as an inactive licensee upon payment of a \$15 fee.

24 **SECTION 54.** 452.12 (6) (d) of the statutes<sup>✓</sup> is amended to read:

1           452.12 (6) (d) If an inactive licensee files an application for reinstatement  
2 before January 1, 1996, the ~~department~~ board shall reinstate the inactive licensee's  
3 original license in accordance with the requirements for late renewal under s. 440.08  
4 (3).

5           **SECTION 55.** 452.12 (6) (e) (intro.) of the statutes is amended to read:

6           452.12 (6) (e) (intro.) Except as provided in ss. 440.03 (11m) (b), 440.12 and  
7 440.13 (2) (a) (c), the ~~department~~ board shall reinstate an inactive licensee's original  
8 license as follows:

9           **SECTION 56.** 452.12 (6) (e) 1. of the statutes is amended to read:

10          452.12 (6) (e) 1. If a person has registered as an inactive licensee before  
11 November 1, 1990, the ~~department~~ board shall reinstate the person's original license  
12 if that person applies to the ~~department~~ board for reinstatement of his or her original  
13 license, pays the fee specified under s. 440.05 (1), passes an examination under s.  
14 452.09 (3), and completes the education requirements established by the ~~department~~  
15 board under par. (f).

16          **SECTION 57.** 452.12 (6) (e) 2. of the statutes is amended to read:

17          452.12 (6) (e) 2. If a person has registered as an inactive licensee on or after  
18 November 1, 1990, the ~~department~~ board shall reinstate the person's original license  
19 if that person applies to the ~~department~~ board for reinstatement of his or her original  
20 license, pays the renewal fee determined by the department under s. 440.03 (9) (a)  
21 for the original license and completes 12 hours of continuing education as established  
22 by the ~~department~~ board under par. (f). A person who is eligible for reinstatement  
23 of his or her original license under this subdivision shall complete the requirements  
24 for reinstatement under this subdivision before January 1, 1996, or within 5 years

1 after the date on which the person registered as an inactive licensee, whichever is  
2 later.

3 **SECTION 58.** 452.12 (6) (e) 3. of the statutes<sup>✓</sup> is amended to read:

4 452.12 (6) (e) 3. If a person who is eligible for reinstatement of his or her  
5 original license under subd. 2. does not complete the requirements for reinstatement  
6 within the time specified under subd. 2., the department board shall reinstate the  
7 original license of that person if he or she meets the requirements specified under  
8 subd. 1.

9 **SECTION 59.** 452.12 (6) (f) of the statutes<sup>✓</sup> is amended to read:

10 452.12 (6) (f) The department board shall promulgate rules establishing the  
11 education requirements that applicants for reinstatement of original licenses under  
12 par. (e) must satisfy.

13 **SECTION 60.** 452.14 (1) of the statutes<sup>✓</sup> is amended to read:

14 452.14 (1) The department board shall, upon motion of the board secretary or  
15 his or her designee or upon its own determination, conduct investigations and, as  
16 appropriate, may hold hearings and make findings, if the board or the department  
17 receives credible information that a broker, salesperson, or time-share salesperson  
18 has violated this chapter or any rule promulgated under this chapter.

19 **SECTION 61.** 452.14 (2) of the statutes<sup>✓</sup> is amended to read:

20 452.14 (2) ~~The department shall present the findings of any investigation of~~  
21 ~~a licensee or registrant to the board for its consideration. The department shall upon~~  
22 ~~motion of the board, and~~ board ~~may, upon its own determination, commence~~  
23 ~~disciplinary proceedings on any matter under investigation concerning a licensee or~~  
24 ~~registrant. No investigation of a licensee or registrant may be closed without motion~~  
25 ~~of the board.~~



1           **SECTION 62.** 452.17 (2) of the statutes is amended to read:

2           452.17 (2) Any person who engages in or follows the business or occupation of,  
3           or advertises or holds himself or herself out as or acts temporarily or otherwise as,  
4           a time-share salesperson in this state without being registered with the department  
5           board shall be prosecuted by the district attorney in the county where the violation  
6           occurs and may be fined not less than \$25 nor more than \$200 or imprisoned not less  
7           than 10 days nor more than 6 months or both.

8           **SECTION 63.** 452.22 (2) of the statutes is amended to read:

9           452.22 (2) The certificate of the ~~secretary~~ chairperson of the board or his or her  
10          designee to the effect that a specified individual or business entity is not or was not  
11          on a specified date the holder of a broker's, salesperson's, or time-share salesperson's  
12          license or registration, or that a specified license or registration was not in effect on  
13          a date specified, or as to the issuance, limitation, suspension, or revocation of any  
14          license or registration or the reprimand of any license or registration holder thereof,  
15          the filing or withdrawal of any application or its existence or nonexistence, is prima  
16          facie evidence of the facts ~~therein~~ stated in the certificate for all purposes in any  
17          action or proceedings.

18           **SECTION 9140. Nonstatutory provisions; Regulation and Licensing.**

19          (1) RULES AND ORDERS. All rules promulgated by the department of regulation  
20          and licensing that relate to the licensure of real estate brokers and salespersons or  
21          the registration of time-share salespersons that are in effect on the effective date of  
22          this subsection remain in effect until their specified expiration dates or until  
23          amended or repealed by the real estate examining board. All orders issued by the  
24          department of regulation and licensing relating to such licensure or registration that  
25          are in effect on the effective date of this subsection remain in effect until their

1 specified expiration dates or until modified or rescinded by the real estate examining  
2 board.

3 (2) PENDING MATTERS. Any matter pending with the department of regulation  
4 and licensing on the effective date of this subsection that is primarily related to the  
5 licensure of real estate brokers and salespersons or the registration of time-share  
6 salespersons, as determined by the secretary of regulation and licensing, is  
7 transferred to the real estate examining board, and all materials submitted to or  
8 actions taken by the department of regulation and licensing with respect to the  
9 pending matters are considered as having been submitted to or taken by the real  
10 estate examining board.

11 (3) CONTRACTS. All contracts entered into by the department of regulation and  
12 licensing in effect on the effective date of this subsection that are primarily related  
13 to licensure of real estate brokers and salespersons or the registration of time-share  
14 salespersons, as determined by the secretary of regulation and licensing, remain in  
15 effect and are transferred to the real estate examining board. The real estate  
16 examining board shall carry out any obligations under such a contract until the  
17 contract is modified or rescinded by the real estate examining board to the extent  
18 allowed under the contract.

19 (END)

Insert 17-18

**2011-2012 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1272/P2ins  
MPG:.....

*CPS:  
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INSERT 17-18

~~(4)~~ INITIAL APPOINTMENTS. Notwithstanding the lengths of ~~the~~ terms specified  
in section 15.405 (11)<sup>m</sup> of the statutes, as ~~affected~~<sup>re created</sup> by this act, the initial members of  
the real estate examining board shall be appointed for the following terms:

~~(a)~~ One real estate broker or salesperson licensed under chapter 452 of the  
statutes and one public member, for terms expiring on July 1, 2012.

~~(b)~~ One licensed real estate broker or salesperson licensed under chapter 452  
of the statutes and one public member, for terms expiring on July 1, 2013.

~~(c)~~ Three licensed real estate brokers or salespersons licensed under chapter  
452<sup>✓</sup> of the statutes, for terms expiring on July 1, 2014.

END INSERT 17-18